

## **REMARKS**

This Amendment is in response to the Office Action dated January 9, 2007. Claims 1-3 are pending and are subject to restriction and/or election requirement.

### **Election/Restrictions**

The Examiner states,

2. The application contains claims directed to at least the following patentably distinct species/sub-species:

Species I, drawn to a brightness adjusting system wherein the display unit is a cathode ray tube type display (see Page 24, Line 17 of the instant specification, for instance);

Species II, drawn to a brightness adjusting system wherein the display unit is a plasma type display (see Page 24, Lines 17-18 of the instant specification, for instance); and

Species III, drawn to a brightness adjusting system wherein the display unit is a liquid crystal type display (see Page 17, Lines 13-14 of the instant specification, for instance); wherein Species III further comprises:

Sub-Species A, drawn to a brightness adjusting system wherein the Win32K operates as the window controller and the power manager operates as the display controller in the OS/device driver layer; wherein the Win32K operates as the window controller and the power manager operates as the display controller in the OS/device driver layer; wherein the OS/device driver layer is also provided newly with a white balance evaluation engine used as a module for realizing the function of the gray scale gradation evaluator; and wherein the back-light brightness controller operates as the brightness controlling apparatus (see Fig. 8 and Page 22, Lines 3-17 of the instant specification, for instance);

Sub-Species B, drawn to a brightness adjusting system wherein the graphic chip operates as the window controller, the gray scale gradation evaluator, and the display controller; and wherein the back-light brightness controller operates as the brightness controlling apparatus (see Fig. 9; Page 23, Lines 1-12 of the instant specification, for instance); and

Sub-Species C, drawn to a brightness adjusting system wherein a filter driver is newly added as a module for realizing the functions of the window controller, the gray scale gradation evaluator, and the display controller; and wherein the back-light brightness controller operates as the brightness controlling apparatus (see Fig. 10; Page 23, Line 13-Page 24, Line 6 of the instant specification, for instance).

The species/sub-species are independent or distinct because the species/sub-species do not overlap in scope, i.e., are mutually exclusive; the species/sub-species are not obvious variants; and the species/sub-species each have a materially different design, mode of operation, function, and effect.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species/sub-species (e.g., Species III, Sub-Species A) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1 and 2 appear to be

generic.

**Applicant is advised that a reply to this requirement must include an identification of the species/sub-species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.**

**Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species/sub-species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).**

Applicant agrees with the Examiner that claims 1 and 2 are generic to all embodiments disclosed in the specification. Applicant elects species III drawn to a brightness adjusting system wherein the display unit is a liquid crystal type display. Within in species III, Applicant further elects Sub-Species A as listed above. Claims 1-3 are readable on the elected species/subspecies. Should the Examiner find claims 1 and 2 to be allowable, Applicant may be entitled to a single patent including claims drawn to all the species.

Additionally, Applicant has amended claims 1-3. Applicant submits that no new matter has been added.

Should any unresolved issues remain, Examiner is invited to call the undersigned at the telephone number indicated below.

Respectfully submitted,  
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